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SENATE BILL NO. 1458

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 3, 2023)

(Patron Prior to Substitute—Senator Ebbin)

A BILL to direct the Secretary of Labor, in collaboration with the Department of Health Professions, to convene a work group to study regulation of temporary staffing agencies providing temporary health care staff in certain facilities.

Be it enacted by the General Assembly of Virginia:

1. § 1. The Secretary of Labor (the Secretary), in collaboration with the Department of Health Professions, shall convene a work group to study the use of and potential to regulate temporary staffing agencies providing temporary health care staff in any (i) assisted living facility licensed pursuant to § 63.2-1707 of the Code of Virginia, (ii) adult day care center licensed pursuant to § 63.2-100 of the Code of Virginia; (iii) nursing home as defined in § 54.1-3100 of the Code of Virginia, or (iv) hospice licensed pursuant to § 32.1-162.3 of the Code of Virginia. In conducting this study, the Secretary shall determine the fiscal impact of any such regulation, including the benefits to the Commonwealth of receiving additional employment taxes. The study shall specifically (a) examine the current costs paid for temporary health care staff provided by temporary staffing agencies, such costs paid prior to March 2020, and the effect such costs may have on employers and the Commonwealth; (b) determine which board would be best suited to oversee any potential regulation by the Commonwealth of temporary staffing agencies; (c) examine whether temporary health care staff currently provided by temporary staffing agencies should be identified as employees of such temporary staffing agencies or as independent contractors and determine any procedures that need to be implemented or followed to ensure correct classification of such temporary staff; and (d) compare regulations in other states for temporary staffing agencies and make any recommendations regarding implementation of such regulations in the Commonwealth.

The work group shall complete its meetings by November 30, 2023, and the Secretary shall submit to the Governor and the General Assembly an executive summary and report of the findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2024 Regular Session of the General Assembly and shall be posted on the General Assembly's website.